

EAST COVENTRY TOWNSHIP
BOARD OF SUPERVISORS
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 213

**“MISCELLANEOUS ZONING AND SUBDIVISION
AND LAND DEVELOPMENT ORDINANCE AMENDMENTS”**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWNSHIP OF EAST COVENTRY, CHESTER COUNTY, PENNSYLVANIA, TO AMEND CHAPTER 5 (CODE ENFORCEMENT), PART 1 (BUILDING CODES), SECTION 5-111 (AMENDMENTS TO BUILDING CODES), SUBSECTION 1, PARAGRAPH F (FLOODPLAIN CONSTRUCTION AND DEVELOPMENT), SECTION 3501.2 (DEFINITIONS) TO UPDATE THE REFERENCED ZONING ORDINANCE; TO AMEND CHAPTER 22 (SUBDIVISION AND LAND DEVELOPMENT), PART 2 (DEFINITIONS), SECTION 22-202 (DEFINITIONS), TO UPDATE FLOODPLAIN TERMINOLOGY BY DELETING THE DEFINITIONS FOR “FLOOD”, “FLOOD FRINGE”, “FLOOD, ONE-HUNDRED-YEAR”, “FLOODPLAIN”, “FLOODPLAIN DISTRICTS”, “FLOODWAY”, “NEW CONSTRUCTION”, AND “ONE-HUNDRED-YEAR FLOOD (100-YEAR FLOOD)”, ADDING NEW DEFINITIONS FOR “BASE FLOOD”, “FLOOD”, “FLOODPLAIN AREA”, “FLOODWAY”, AND “NEW CONSTRUCTION”, AND AMENDING THE DEFINITION FOR “NEW MOBILE/MANUFACTURED HOME PARK”; TO AMEND PART 3 (PLAN PROCESSING AND CONTENT), SECTION 22-304 (PRELIMINARY PLAN SUBMISSION, RESUBMISSION, REVIEW AND CONTENT), SUBSECTION 3 (CONTENT), PARAGRAPH A (GENERAL CONTENT), SUBPARAGRAPH 16, PARAGRAPH H (SITE ANALYSIS), SUBPARAGRAPHS 2 AND 3, AND PART 6 (CONSTRUCTION AND ACCEPTANCE OF IMPROVEMENTS), SECTION 22-608 (STANDARD PUBLIC IMPROVEMENT SPECIFICATIONS), SUBSECTION 2 (INCONSISTENCIES), PARAGRAPHS A AND B TO UPDATE THE REFERENCED FLOODPLAIN TERMINOLOGY; TO AMEND PART 4 (DEVELOPMENT DESIGN STANDARDS), SECTION 22-426 (PARK, RECREATION AND OPEN SPACE), SUBSECTION 4 (FEE-IN-LIEU OF DEDICATION OF LAND FOR ON-SITE PARK, RECREATION AND OPEN SPACE), PARAGRAPHS C, D AND E TO EXPAND THE PERMITTED USES FOR FEES-IN-LIEU PAID AND ELIMINATE THE 3-YEAR TIME LIMIT FOR TOWNSHIP USE OF FEE-IN-LIEU FUNDS; TO AMEND CHAPTER 27 (ZONING), PART 8 (R-3 RESIDENTIAL DISTRICT), SECTION 27-803 (AREA, BULK AND DIMENSIONAL STANDARDS),

SUBSECTION 2 (TWO-FAMILY DETACHED, TWO-FAMILY SEMI-DETACHED, SINGLE-FAMILY SEMI-DETACHED, SINGLE-FAMILY ATTACHED, TWO-FAMILY ATTACHED AND GARDEN APARTMENT RESIDENTIAL USES), TO ELIMINATE PARAGRAPH H (ARCHITECTURAL RENDERINGS); AND TO AMEND PART 9 (NC NEIGHBORHOOD COMMERCIAL DISTRICT AND C COMMERCIAL DISTRICT), SECTION 27-902 (USE REGULATIONS), SUBSECTION 4 (C COMMERCIAL DISTRICT USES PERMITTED BY RIGHT), TO PERMIT DAY CARE CENTERS BY RIGHT.

The Board of Supervisors of East Coventry Township does hereby **ENACT** and **ORDAIN**:

SECTION I. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 5 (Code Enforcement), Part 1 (Building Codes), Section 5-111 (Amendments to Building Codes), Subsection 1, Paragraph F (Floodplain Construction and Development) as it pertains to BOCA Code/1996 Chapter 35 (Construction and Development in Designated Floodplain Districts), Section 3501.2 (Definitions), is hereby amended to delete the reference to “2005” appearing in the definition for “Zoning Ordinance” and to add “2008” in its place.

SECTION II. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 22-202 (Definitions) is hereby amended to delete the following terms and definitions: “Flood”, “Flood Fringe”, “Flood, One-Hundred-Year”, “Floodplain”, “Floodplain Districts”, “Floodway”, “New Construction”, and “One-Hundred-Year Flood (100-Year Flood)”.

SECTION III. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 22-202 (Definitions), is hereby amended to add the following new terms and definitions:

BASE FLOOD – A flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood" or one-percent (1%) annual chance flood).

FLOOD – A temporary inundation of normally dry land areas.

FLOODPLAIN AREA – A relatively flat or low land area which is subject to partial or complete inundation from an adjoining or nearby stream, river or watercourse; and/or any area subject to the unusual and rapid accumulation of surface waters from any source.

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

NEW CONSTRUCTION – Structures for which the start of construction commenced on or after September 29, 2017 and includes any subsequent improvements to such structures. Any construction started after February 17, 1982 and before September 29, 2017 is subject to the ordinance in effect at the time the permit was issued, provided the start of construction was within 180 days of permit issuance.

SECTION IV. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 22-202 (Definitions), is hereby amended to revise the definition for “New Mobile/Manufactured Home Park” by deleting the words “Part 4 of” appearing in the last line of said definition.

SECTION V. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 22-304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 3 (Content), Paragraph A (General Content), Subparagraph (16) is hereby amended to delete “one-hundred-year floodplains” appearing in said subparagraph and to add “floodplain areas” in its place.

SECTION VI. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 22-304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 3 (Content), Paragraph H (Site Analysis), Subparagraph (2) is hereby amended to delete “one-hundred-year floodplains” appearing in said subparagraph and to add “floodplain areas” in its place.

SECTION VII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 3 (Plan Processing and Content), Section 22-304 (Preliminary Plan Submission, Resubmission, Review and Content), Subsection 3 (Content), Paragraph H (Site Analysis), Subparagraph (3) is hereby amended to delete “Floodplain District” appearing in said subparagraph and to add “floodplain areas” in its place.

SECTION VIII. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 22-426 (Park, Recreation and Open Space), Subsection 4 (Fee-in-Lieu of Dedication of Land for On-Site Park, Recreation and Open Space), Paragraph C is hereby amended and restated in its entirety, as follows:

C. If the applicant elects to pay a fee-in-lieu of land dedication, then such payment shall, upon its receipt by the Township, be deposited in an interest bearing account, clearly identified as reserved for providing, acquiring, operating or maintaining park or recreational facilities. Interest earned on such accounts shall become funds of that account.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 22-426 (Park, Recreation and Open Space), Subsection 4 (Fee-in-Lieu of Dedication of

Land for On-Site Park, Recreation and Open Space), Paragraph D is hereby amended to add “reasonably” before the word “accessible” appearing in the first sentence of such paragraph.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 22-426 (Park, Recreation and Open Space), Subsection 4 (Fee-in-Lieu of Dedication of Land for On-Site Park, Recreation and Open Space), Paragraph D, Subparagraph 1 is hereby amended and restated in its entirety, as follows:

- (1) The acquisition, operation or maintenance of land for parks, recreation facilities, open space, trails, bikeways or greenways to expand the Township’s public trail system.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 4 (Development Design Standards), Section 22-426 (Park, Recreation and Open Space), Subsection 4 (Fee-in-Lieu of Dedication of Land for On-Site Park, Recreation and Open Space), Paragraph E is hereby amended to delete the first sentence of such paragraph and to add the following in its place:

- E. If the Township used the fee-in-lieu amount paid by the applicant for a purpose other than the purposes set forth in this Subsection, then the applicant may submit a written request for the refund of such fees, plus interest accumulated thereon from the date of payment.

SECTION IX. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 22 (Subdivision and Land Development), Part 6 (Construction and Acceptance of Improvements), Section 22-608 (Standard Public Improvement Specifications), Subsection 2 (Inconsistencies), Paragraphs A and B are hereby amended to delete “floodplain district” appearing in said paragraphs and to add “floodplain area” in their place.

SECTION X. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 8 (R-3 Residential District), Section 27-803 (Area, Bulk and Dimensional Standards), Subsection 2 (Two-Family Detached, Two-Family Semi-Detached, Single-Family Semi-Detached, Single-Family Attached, Two-Family Attached and Garden Apartment Residential Uses) is hereby amended to delete Paragraph H (Architectural Renderings) in its entirety.

SECTION XI. – Amendment to Code.

The Code of Ordinances of East Coventry Township, Chester County, Pennsylvania, Chapter 27 (Zoning), Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 27-902 (Use Regulations), Subsection 4 (C Commercial District Uses Permitted by Right), is hereby amended to add a new Paragraph L, as follows:

L. Day Care Center.

SECTION XII. – Severability.

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION XIII. – Failure to Enforce not a Waiver.

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION XIV. – Effective Date.

This Ordinance shall take effect and be in force from and after its approval as required by the Second Class Township Code.

SECTION XV. – Repealer.

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED AND ENACTED by the Board of Supervisors of East Coventry Township, Chester County, Pennsylvania, this 12th day of June, 2017.

EAST COVENTRY TOWNSHIP

By:

Ray A. Kolb
Ray A. Kolb, Chairman

Attest:

Bernard A. Rodgers
Bernard A. Rodgers, Secretary

NOTICE

NOTICE is hereby given that the Board of Supervisors of the Township of East Coventry, at its public meeting on June 12, 2017 in the Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania, will hold a public hearing on and could vote to adopt an Ordinance amending the Code of Ordinances of the Township of East Coventry, Chester County, Pennsylvania, to amend Chapter 22 (Subdivision and Land Development), Part 2 (Definitions), Section 22-202 (Definitions), to update floodplain terminology by deleting the definitions for “Flood”, “Flood Fringe”, “Flood, One-Hundred-Year”, “Floodplain”, “Floodplain Districts”, “Floodway”, “New Construction”, and “One-Hundred-Year Flood (100-Year Flood)”, adding new definitions for “Base Flood”, “Flood”, “Floodplain Area”, “Floodway”, and “New Construction”, and amending the definition for “New Mobile/Manufactured Home Park”; to amend various other provisions in Chapter 22 (Subdivision and Land Development) to update the floodplain terminology used; to amend Part 4 (Development Design Standards), Section 22-426 Park, Recreation and Open Space), Subsection 4 (Fee-In-Lieu of Dedication of Land for On-Site Park, Recreation and Open Space), Paragraphs C, D and E to expand the permitted uses for fees-in-lieu paid and eliminate the 3-year time limit for Township use of fee-in-lieu funds; to amend Chapter 27 (Zoning), Part 8 (R-3 Residential District), Section 27-803 (Area, Bulk and Dimensional Standards), Subsection 2 (Two-Family Detached, Two-Family Semi-Detached, Single-Family Semi-Detached, Single-Family Attached, Two-Family Attached and Garden Apartment Residential Uses) to delete Paragraph H (Architectural Renderings) in its entirety; and to amend Part 9 (NC Neighborhood Commercial District and C Commercial District), Section 27-902 (Use Regulations), Subsection 4 (C Commercial District Uses Permitted by Right), to permit day care centers by right.

Copies of the full text of the proposed ordinance are available for examination during normal business hours without charge at the offices of *The Pottstown Mercury*, 24 North

Hanover Street, Pottstown, Pennsylvania 19464, the Chester County Law Library, 201 West Market Street, Suite 2400, West Chester, Pennsylvania 19380-0989 and the East Coventry Township Building, 855 Ellis Woods Road, Pottstown, Pennsylvania 19465, where a copy of the proposed ordinance may be obtained for a charge not greater than the cost thereof.

**MARK A. HOSTERMAN, ESQUIRE
WISLER PEARLSTINE, LLP**